

## Guidance Notes: ROLES AND RESPONSIBILITIES

*If you are unsure about anything within these notes, then please contact the Flood Risk Management (FRM) team using the details at the end of this document.*

Floods can arise from a number of different sources as discussed within the Local Flood Risk Management Strategy (LFRMS). No single body has the means to manage all sources of flood risk however all stakeholders have a part to play in effective flood risk management.

### Risk Management Authorities (RMAs)

The Flood and Water Management Act (FWMA, 2010) identifies Derbyshire County Council as the Lead Local Flood Authority (LLFA) for Derbyshire. It also identifies certain organisations as Risk Management Authorities (RMAs) who have a key role in managing flood risk at a local level and must cooperate with all other RMAs to ensure a partnership approach is adopted for Derbyshire.

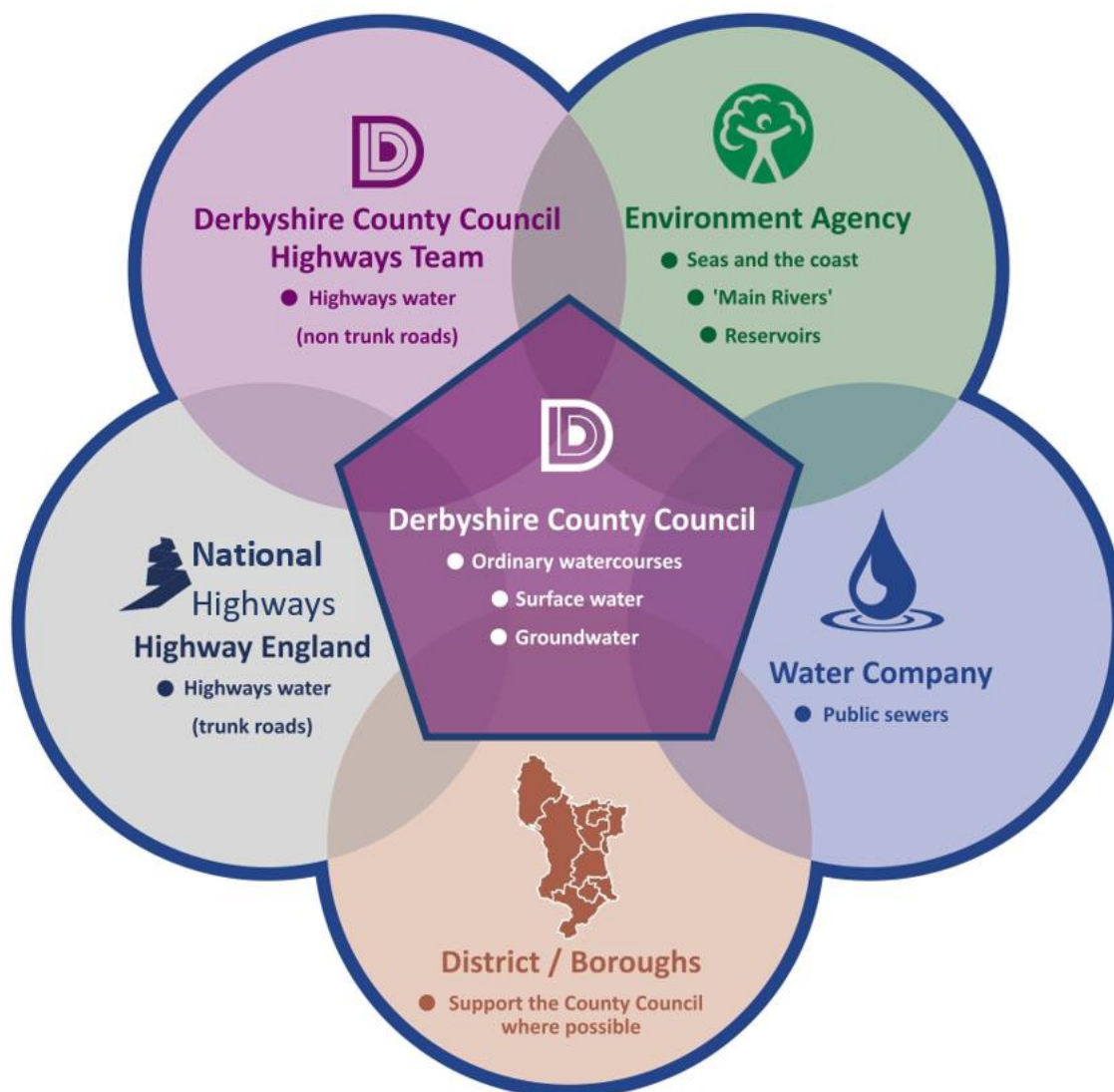
RMAs have specific powers and duties for local flood risk management. All RMAs have a duty under Section 13 of the FWMA to cooperate with one another when exercising functions relating to flood and coastal erosion risk management. RMAs can also agree to delegate tasks to one another under Section 13. All RMAs must act consistently with the Derbyshire's strategy and the National Flood and Coastal Erosion Risk Management Strategy (under Section 11 of the FWMA).

**A duty is something the RMA is legally obliged to do; a permissive power can be used at the RMA's discretion**

The organisations in Derbyshire that are designated as RMAs and have a role in managing flood risk are:

- Derbyshire County Council – the Lead Local Flood Authority
- Derbyshire County Council – Highway Authority
- Environment Agency
- National Highways Water companies (Severn Trent Water, Yorkshire Water & United Utilities)
- District/Borough Councils – Land Drainage Authorities

**Figure illustrating 'working together'**



## The Role of the Lead Local Flood Authority – Derbyshire County Council

The LLFA has an overarching strategic coordinating role in managing local flood risk from surface water (pluvial), ordinary watercourses (fluvial) and groundwater sources.

The County Council's key responsibilities as a LLFA are to:

- **Have a Local Flood Risk Management Strategy** (Section 9 FWMA).
- **Investigate flooding** (Section 19 FWMA) to a locally derived threshold –the County Council have identified flood thresholds for investigation across Derbyshire.
- **Maintain a register of assets** (Section 21 FWMA) affecting the management of flood risk across Derbyshire.

The FWMA also amended the following sections of the Land Drainage Act 1991 (LDA) resulting in further roles and responsibilities for the County Council:

- Section 14a – The addition of this subsection introduced the role of the LLFA and provides general permissive powers to undertake works to mitigate flood risk from ordinary watercourses, surface water and groundwater.
- Section 23 – Issuing Land Drainage Consents for works in or near to Ordinary Watercourses passed from the EA to the LLFA.
- Section 25 – The LLFA have permissive powers to require works to maintain the free passage of flow on ordinary watercourses.

Under the FWMA the LLFA can delegate their powers to District/Borough Councils.

## The Role of the other Risk Management Authorities

### *Derbyshire County Council – Highways Authority*

The Highways Authority has a duty under the Highways Act (1980) to drain the local Highway network (not Trunk Roads) of surface water where it creates a nuisance. Where drainage infrastructure is provided to assist in this duty then the Highways Authority must maintain it to be fit for purpose.

Maintenance of roadside drainage ditches may be the direct responsibility of the Highways Authority or the adjacent / riparian landowner. For more information relating to the Highways Authority please refer to the [Highways Statutory Duties and Vested Powers Guidance Notes](#).

### *Environment Agency*

The Environment Agency has strategic oversight for all flood and coastal erosion risk management in England. The EA is responsible for managing coastal flooding and fluvial flooding from Main Rivers as well as the risk of flooding from reservoirs. For more information, please visit the **Environment Agency**<sup>1</sup> website.

### *National Highways*

National Highways has sole responsibility and powers for managing Highway surface water runoff from the trunk road network (i.e., M1, A50, A38 etc).

### *Water Companies*

Derbyshire is serviced by three water companies who manage the surface water, foul water and combined public sewer network throughout the county and neighbouring authorities. These companies have a duty to ensure the

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<sup>1</sup> <https://www.gov.uk/government/organisations/environment-agency>

reliable operation and maintenance of the public sewer network. For more information contact the following water companies:

- **Yorkshire Water**<sup>2</sup>
- **Severn Trent Water**<sup>3</sup>
- **United Utilities**<sup>4</sup>

### *District / Borough Councils*

The District / Borough Councils of Derbyshire are designated as Land Drainage Authorities under the LDA. The Land Drainage Authorities retain general powers under Section 14 of the LDA to enter land in private / public ownership and undertake works to alleviate flood risk.

The LLFA also liaise with the following key teams in the District / Borough Authorities:

- Local planning teams – to promote sustainable planning and development.
- Environmental Health teams – have general powers to serve notice upon landowners to undertake remedial action on water related issues, which could be considered a risk to health or a nuisance, under the Public Health Act (1936).
- Undertake cyclic / reactive maintenance on watercourses where the District / Borough are the relevant landowner.
- Parks / Open space teams – District / Borough Authorities are responsible for the maintenance of public open space, which in some instances is utilised to accommodate flood water flows from nearby developments.

For more information regarding the above teams please refer to the relevant District / Borough website.

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<sup>2</sup> <https://www.yorkshirewater.com/your-water/flooding/>

<sup>3</sup> <https://www.stwater.co.uk/help-and-contact/legal/guide-to-sewer-flooding/>

<sup>4</sup> <http://www.unitedutilities.com/been-flooded>

## Other County Council Teams not Defined by the FWMA

In considering the duties of the LLFA the FRM team also liaise with the following service delivery teams of the County Council:

- Emergency Planning team – to ensure effective arrangements are in place to protect the population and the environment in an emergency and reduce the impact of the event.
- Public rights of way team – assist in investigating flooding matters relating to the public rights of way.
- Conservation and Design team – for ecological guidance and advice.
- Minerals and Waste Planning team – to advise on the strategic planning of Minerals and Waste sites.
- Highways team –with regards to Highway assets that cause or exacerbate flood risk.
- Bridges and Structures team –where structures may impact on local flood risk.
- Planning and Highways Development Control team –with regards to sustainable planning and development.

For more information regarding the above teams then please visit **Derbyshire County Council's website**<sup>5</sup>.

## Other Key Stakeholders not Defined by the FWMA

It should be noted that there are numerous other key stakeholders that have a vital role to play in managing flood risk, that are not defined within the FWMA. These include, but are not limited to;

- Town/Parish Councils
- Network Rail and other infrastructure providers
- Association of British Insurers
- National Farmers Union
- Derbyshire Wildlife Trust, Natural England, and other environmental organisations
- English Heritage
- National Flood Forum
- Canal and River Trust
- Riparian Landowners and estate owners
- Housing association
- Voluntary organisations
- Local partnerships, forums, and community groups

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<sup>5</sup> <http://www.derbyshire.gov.uk>

- Professional institutions
- Universities
- Developers
- Residents
- Businesses
- Farmers

These organisations are pivotal in supporting the LLFA and RMAs in achieving national and local objectives for flood risk management.

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